

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|---|-------------------------------------|---------------------------|--|------------------------------------|---------------------------------|
| Investigator: Harry Feigen | Team: Squad #13 | CCRB Case #: 201601743 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Thursday, 02/25/2016 5:00 AM | Location of Incident: § 87(2)(b) | Precinct: 106 | 18 Mo. SOL 8/25/2017 | EO SOL 8/25/2017 | |
| Date/Time CV Reported Thu, 02/25/2016 11:40 AM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Thu, 03/03/2016 11:08 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. Officers | | | NARCBQN |
| 2. POM Chris Cooley | 13166 | 946875 | NAR DIV |
| 3. POF Brittany Mcgee | 12166 | 949303 | NARCBQN |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|--------------------|-----------|--------|----------|
| 1. SGT Ramiro Ruiz | 05320 | 939384 | NARCBQN |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|---|-----------------------------|
| A. Officers | Abuse: Officers entered and searched § 87(2)(b) in Queens. | § 87(2)(b) |
| B.POM Chris Cooley | Abuse: PO Chris Cooley refused to provide his shield number to § 87(2)(b) | § 87(2)(b) |
| C.POF Brittany Mcgee | Abuse: PO Brittany Mcgee refused to provide her shield number to § 87(2)(b) | § 87(2)(b) |
| D.POM Chris Cooley | Abuse: PO Chris Cooley failed to show the search warrant to § 87(2)(b) and § 87(2)(b) | § 87(2)(b) |

Case Summary

On February 25, 2016, § 87(2)(b) filed this complaint with IAB by phone, generating IAB log number 16-6958. It was received at the CCRB on March 3, 2016.

On February 25, 2016, at approximately 6:05 a.m., approximately ten officers from Narcotics Borough Queens North entered and searched § 87(2)(b)'s residence, which is located at § 87(2)(b) in Queens (**Allegation A**). § 87(2)(b) was asleep in the apartment at that time, along with his son § 87(2)(b) his § 87(2)(b) cousin § 87(2)(b) his son's girlfriend § 87(2)(b) and his § 87(2)(b) grandson § 87(2)(b). Officers woke up all of the civilians, brought them into the living, and explained that they had a search warrant for the apartment. § 87(2)(b) asked PO Chris Cooley and PO Brittany Mcgee for their shield numbers, and also to see a copy of the search warrant. Both officers replied that they would show him their shield numbers and the warrant later (**Allegations B, C, and D**).

The civilians were all moved to the hallway outside of the apartment while the officers searched the residence. Officers recovered a bag of marijuana, several pills of a controlled substance, an imitation firearm, and \$476 in cash. § 87(2)(b) was placed under arrest, and removed from the apartment for arrest processing. Before leaving, PO Cooley showed a copy of the warrant to § 87(2)(b).

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation, due to § 87(2)(b)'s arrest.
- A notice of claim request was submitted to the NYC Comptroller's office on April 25, 2016. It will be added to the case file upon its receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint.
- PO Cooley has been a member of service for seven years. He has one prior CCRB allegation on his record: a vehicle search that was closed as "exonerated."
- PO Mcgee has been a member of service for five years. She has been the subject of nine previous CCRB allegations across six cases. Two stop allegations, one search of person allegation, and one vehicle search allegation have been substantiated against PO Mcgee across four cases.

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) described the two officers whose shield numbers he asked for and from whom he asked to see the warrant from as a 5'8" tall, 160-pound white male in his late 20s with brown hair, and a 5'5" tall, 120-pound white female in her late 20s with brown hair. He stated that both officers were carrying ballistic shields during the incident. According to the tactical plan for this incident, PO Cooley and PO McGee were the only two officers assigned to carry ballistic shields (01 Board Review). Furthermore, PO McGee was the only female officer working during this incident. Additionally, PO Cooley is a 6'1" tall, 200-pound, § 87(2)(b) -old white male with black hair, and PO McGee is a 5'5" tall, 130-pound, § 87(2)(b) -old white female with brown hair.

§ 87(2)(g)

Allegations not pleaded

- Failure to show search warrant – § 87(2)(b) and § 87(2)(b) both alleged that they asked to see the search warrant during this incident. Both civilians refused to provide in-person statements to the CCRB, however, and it is undisputed that PO Cooley showed § 87(2)(b) the warrant before leaving the apartment, and that he showed § 87(2)(b) the warrant at the 106th Precinct stationhouse. § 87(2)(g)

Allegation A: Abuse of Authority – Officers entered and searched § 87(2)(b) in Queens.

It is undisputed that officers from Narcotics Borough Queens North entered and searched § 87(2)(b) Queens during this incident. It is also undisputed that they did so pursuant to search warrant § 87(2)(b), § 87(2)(g)

Allegation B: Abuse of Authority – PO Chris Cooley refused to provide his shield number to § 87(2)(b)

Allegation C: Abuse of Authority – PO Brittany Mcgee refused to provide her shield number to § 87(2)(b)

Allegation D: Abuse of Authority – PO Cooley failed to show the search warrant to § 87(2)(b)

§ 87(2)(b) stated that when all of the civilians were brought into the living room of the apartment at the beginning of the incident, he asked PO Cooley and PO Mcgee for their shield numbers, and asked that they show him the search warrant for his apartment. § 87(2)(b) alleged that both officers responded by saying they would provide their shield numbers and show him the search warrant later, but failed to do so at any subsequent time during the incident (03 Board Review). § 87(2)(b) who refused to provide an in-person statement to the CCRB, alleged in a phone statement that § 87(2)(b) asked a group of officers for their shield numbers while the civilians were being held in the hallway outside of their apartment, and that no officer said anything in response (04 Board Review). He denied that § 87(2)(b) asked to see a copy of the warrant at any time during the incident, however. § 87(2)(b) also refused to provide an in-person CCRB statement, but in a phone statement she denied hearing § 87(2)(b) ask any officers for their shield numbers during the incident, and stated she did not know whether he asked to see the warrant (05 Board Review).

PO Cooley (06 Board Review) and PO Mcgee (07 Board Review) denied that § 87(2)(b) asked for their shield numbers while the civilians were all in the apartment's living room, or that he asked to see the search warrant at that time. Both officers denied that they refused to provide their shield numbers or show the warrant to § 87(2)(b) in any way during the incident. Sgt. Ramiro Ruiz, who was the warrant execution supervisor, did not recall § 87(2)(b) asking PO Cooley or PO Mcgee for their shield numbers or to see the search warrant during the incident (08 Board Review). All of the officers stated that § 87(2)(b) was the only civilian who asked to see search warrant during the incident, and that PO Cooley did show her the warrant before the officers left the apartment.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad: 13

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date